



July 8, 2021

VIA E-FILING

The Honorable Christopher J. Burke
J. Caleb Boggs Federal Building
844 N. King Street
Unit 28, Room 2325
Wilmington, DE 19801

RE: *Fundamental Innovation Systems International LLC v. TCT Mobile (US), Inc., et al.* C.A. No. 20-cv-552-CFC-CJB

Dear Judge Burke:

Plaintiff Fundamental Innovation Systems International LLC (“Fundamental”) writes to notify the Court of additional evidence that came to Fundamental’s attention today and that may impact the Court’s forthcoming written order on Fundamental’s June 18, 2021 Discovery Dispute Letter (D.I. 64).

On the July 6, 2021 teleconference earlier this week, the Court granted Fundamental’s motion to supplement its infringement contentions with the newly released TCL products in Exhibit 18 except for the six products identified therein as “forthcoming.” Following the hearing Fundamental inquired with TCL about the status of those products and TCL replied that “Judge Burke expressly ruled that Fundamental’s motion to compel is denied for the products listed as ‘forthcoming’ in Exhibit 18. Thus, there is nothing further to discuss as to those products.”

This afternoon, however, Fundamental learned that three of those products were released in the United States three days after TCL submitted its responsive brief. (D.I. 66.) In particular, *The Verge* reported that the TCL 20 Pro 5G, 20S, and 20 SE mobile phones were available for sale in the United States on June 28, 2021. See *TCL’s 20 Pro 5G will offer a big screen and wireless charging for \$499*, THE VERGE, <https://www.theverge.com/2021/6/28/22547789/tcl-20-pro-5g-us-price-screen-specs-availability> (last visited July 8, 2021). These three products are also available today on TCL’s website. See TCL MOBILE, <https://www.tcl.com/us/en/products/mobile>; see also <https://www.tcl.com/us/en/products/mobile/20-series/20-pro-5g-grey-moondust-gray>; <https://www.tcl.com/us/en/products/mobile/20-series/tcl-20s-milky-way-gray>; <https://www.tcl.com/us/en/products/mobile/20-series/tcl-20-se-nuit-black>.

Because these products are available for sale in the United States, Fundamental respectfully requests that the Court grant Fundamental’s motion to supplement its infringement contentions with respect to these three additional products, and further order TCL to meet and confer with Fundamental to discuss the status of the other three “forthcoming” products.

Respectfully submitted,

/s/ Brian E. Farnan

Brian E. Farnan

cc: Counsel of Record (via E-File)